

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FIVE STAR BANK,

Plaintiff,

v.

KATHERINE MOTT, ROBERT HARRIS;
KRM EVENTS, LLC; KATHERINE'S ON
MONROE, LLC; THE DIVINITY ESTATE
AND CHAPEL, LLC; KNC ELEGANCE,
LLC d/b/a THE WINTERGARDEN BY
MONROES; 11 WEXFORD GLEN, LLC;
RCC MONROES LLC; NAF REMODELING
LLC; MONROES AT RIDGEMONT LLC;
CRESCENT BEACH AT THE LAKE LLC;
and MOTT MANAGEMENT LLC;

Defendants.

CASE NO. 6:24-cv-6153

CIVIL ACTION

DECLARATION IN FURTHER SUPPORT
OF APPOINTMENT OF A RECEIVER

David G. Burch, Esq., declares as follows under the penalty of perjury:

1. I am an attorney-at-law duly licensed to practice in the State of New York and am a partner in the law firm of Barclay Damon LLP, counsel to Plaintiff Five Star Bank ("Plaintiff" or "Five Star"). As such, I am fully familiar with the matters set forth herein.

2. I submit this declaration in support of Plaintiff's motion, pursuant to Rule 7 of the Local Rules of Civil Procedure for the Western District of New York and Rule 66 of the Federal Rules of Civil Procedure, for the appointment of a Receiver to manage the finances and operations of the Entity Defendants.

3. During the course of the investigation by Five Star and its counsel into Defendants' financial misconduct, Five Star has confirmed that the various accounts held by Defendant Mott and the Entity Defendants at Kinecta Federal Credit Union were officially closed on February 19, 2024, and that Defendant Mott was expressly advised of their closure.

4. Moreover, upon information and belief, despite having actual knowledge that the Kinecta Federal Credit Union accounts were closed, Defendant Mott continued to write checks

totaling millions of dollars and fraudulently deposited those checks with other financial institutions, including Five Star Bank.

5. **WHEREFORE**, your declarant respectfully requests that the Court grants this motion as soon as practicable, that the Court enters an Order appointing a Receiver for the Defendant Entities, and grant such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 29, 2024



David G. Burch

CERTIFICATION

I hereby certify that on March 29, 2024, the foregoing document was served on all counsel of Record via the Court's ECF System.

/s/ David Burch, Jr.
David G. Burch, Jr.